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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,847	08/21/2003	Shou-Te Yu	YUSH3007/EM	6154

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EXAMINER

NGUYEN, NINH H

ART UNIT	PAPER NUMBER
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3745

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/644,847	Applicant(s) YU, SHOU-TE	
	Examiner Ninh H. Nguyen	Art Unit 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 10 Applicant recites the limitation "said hub rotatably connected to said driving section axially shortened by a length corresponding to said predetermined height of said bent inner ends of said locating members, enabling airflows produced by said blade portion rotated by said driving section to move to a space below said lower surface of said driving section."

It is unclear from what original length the hub is axial axially shortened from, and which end of the hub is shortened. Secondly, as disclosed on page 4, lines 14-24 of the specification, the hub is shortened such that the blades around the hub have an overall height larger than that of the hub. Therefore, having a shortened hub in the axial direction alone does not enable the airflow produced by the blade portion to rotate by the driving section to move to a space below the lower surface of the driving section as claimed. Because of this, a person in the art would not know how to make and use of the invention without undue experimentation.

Claim 2 is indefinite as being dependent on claim 1.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1, as far as it is definite, is rejected under 35 U.S.C. 102(e) as being anticipated by Hsieh (6,579,064).

Hsieh discloses an air fan (Figs. 1-3) comprising a frame 10 and a blade portion; said blade portion including a hub 31 and a plurality of blades 33 spaced around said hub; and said frame including a plurality of locating members (Fig. 1), and a driving section fixedly supported at inner ends of said locating members to locate center of said frame for said hub of said blade portion to rotatably connect thereto; said fan being characterized that said locating members have inner ends that have a raised portion axially extend into said frame by a predetermined height, and that said hub rotatably connected to said driving section axially shortened by length corresponding said predetermined height of said bent inner ends of said locating members such that the blades around the hub have and overall height larger than that of the hub (Fig. 3).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2, as far as it is definite, is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsieh in view of Chang (6,244,818).

Hsieh discloses all the limitation except the locating members do not have inclined outer surfaces to serve as airflow-guiding members as claimed.

Chang teaches a fan having a housing 201, a plurality of locating members 203 supporting a central portion 202, an impeller 212 mounted on the central portion for rotation for rotation around an axis; wherein the locating members have inclined outer surfaces for supercharging the airflow (col. 1, lines 44-47)

It would have been obvious to a person having ordinary skill in the art at the time the invention was made, to make the fan of Hsieh with the locating members having inclined outer surfaces for supercharging the air flow as taught by Chang.

Prior Art

The prior art made of record but not relied upon is considered pertinent to applicant's disclosure and consists of patents.

Scott et al. (5,188,508) and O'Connor are cited to show different fan constructions.

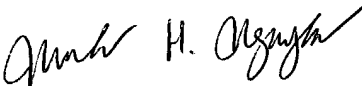
Art Unit: 3745

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Ninh Nguyen whose telephone number is (703) 305-0061 or (571) 272-4823 after November 18, 2004. The examiner can be normally reached on Monday-Friday from 7:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached at (703) 308-1044 or (571) 272-4820 after November 18, 2004. The fax number for this group is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.


NINH H. NGUYEN
PRIMARY EXAMINER

Nhn
September 27, 2004